# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

LISA L. GORDON	)
Claimant	
VS.	)
	) Docket No. 213,985
CARDINAL BUILDING SERVICES	)
Respondent	)
AND	)
	)
KANSAS RISK SERVICES GROUP	)
Insurance Carrier	)

### ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on August 29, 1996.

## ISSUES

Respondent contends that claimant failed to establish accidental injuries arising out of the course of employment.

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board concludes that claimant has established by a preponderance of the credible evidence that she suffered bilateral carpal tunnel syndrome which results from her repetitive work activities. The decision by the Administrative Law Judge should be affirmed.

Claimant testified that she began experiencing numbness and tingling first in her left hand and wrist, later in her right hand and wrist. She associated the onset of symptoms with her work activities cleaning restrooms for respondent. Respondent argues that claimant's testimony does not explain the left hand symptoms because claimant associates the onset of symptoms with the use of a spray bottle which she operates with her right hand. The more serious symptoms of the carpal tunnel condition were in her left hand. Respondent also argues that claimant's right hand symptoms have resolved so that surgery is not necessary,

and that claimant has failed to prove a connection between her work activities and the symptoms on the right.

While the Appeals Board notes that claimant does emphasize the use of the spray bottle, she also testifies to other repetitive hand activities. Beverly Gordon, respondent's operations manager, also testifies to work involving repetitive hand motions. This includes dusting, vacuuming, and dust mopping. She also cleaned mirrors, sinks, partitions, and stools.

Claimant's counsel argues that all of the medical evidence supports findings that carpal tunnel is both bilateral and work related. The Appeals Board agrees that the medical evidence consistently supports the conclusion that claimant's condition is bilateral. The medical evidence linking the condition to claimant's work activities is on the other hand very limited. Nevertheless, the record as a whole leads to the conclusion that more probably than not claimant's bilateral carpal tunnel condition did arise out of and in the course of her employment.

Claimant's brief indicates she has already had surgery on the left hand and is awaiting surgery on the right hand pending this appeal. The filing of the appeal does not stay benefits ordered. K.S.A. 44-534a. Respondent argued that symptoms on the right have subsided to the point that surgery is not appropriate or necessary. Dr. McCoy has been designated the authorized treating physician. The determination regarding the need for surgery is left to the recommendation of the authorized treating physician, subject to consent of the claimant.

**WHEREFORE**, the Appeals Board finds that the preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on August 29, 1996, should be, and the same hereby is, affirmed.

#### IT IS SO ORDERED.

Dated this day of November 1996.
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## **BOARD MEMBER**

c: Judy A. Pope, Topeka, KS
Lawrence D. Greenbaum, Kansas City, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director